

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
CLARKSBURG

RICHARD VILLAR,

Petitioner,

v.

Civil Action No. 1:18-cv-107
(Judge KleeH)

JENNIFER SAAD¹ and JEFFERSON
B. SESSIONS, United States
Attorney General,

Respondents.

ORDER ADOPTING REPORT AND RECOMMENDATION [DKT. NO. 17] AND
DISMISSING THE PETITION AS MOOT [DKT. NO. 1]

On May 7, 2018, the pro se Petitioner, Richard Villar ("Petitioner"), an inmate at FCI Gilmer in Glenville, West Virginia, filed a petition in this action pursuant to 28 U.S.C. § 2241 [Dkt. No. 1] seeking immediate release from custody.

Pursuant to 28 U.S.C. § 636 and the local rules, the Court referred the action to United States Magistrate Judge Michael J. Aloï for initial review. On August 20, 2021, the Magistrate Judge entered a Report and Recommendation ("R&R"), recommending that the Court dismiss the petition as moot because Petitioner was released

¹ Defendant Jennifer Saad was named by Petitioner as "Jennifere Saab" which is incorrect. The Magistrate Judge directed in the Report and Recommendation ("R&R") that the Clerk's Office correct the misspelling of Defendant's name.

ORDER ADOPTING REPORT AND RECOMMENDATION [DKT. NO. 17]

from Bureau of Prison ("BOP") custody on July 22, 2020² [Dkt. No. 17].

The R&R also informed the parties that they had fourteen (14) days from the date of service of the R&R to file "written objections identifying the portions of the Recommendation to which objections are made. Objections shall identify each portion of the magistrate judge's recommended disposition that is being challenged and shall specify the basis for each objection" [Dkt. No. 17 at 6]. It further warned them that the "[f]ailure to timely file objections . . . will result in a waiver of the right to appeal from a judgment of this Court based upon such Recommendation" [Id.]. The docket reflects that service of the R&R was accepted on April 21, 2021 [Dkt. No. 18]. To date, no objections have been filed.

When reviewing a magistrate judge's R&R, the Court must review de novo only the portions to which an objection has been timely made. 28 U.S.C. § 636(b)(1)(C). Otherwise, "the Court may adopt, without explanation, any of the magistrate judge's recommendations" to which there are no objections. Dellarcirprete v. Gutierrez, 479 F. Supp. 2d 600, 603-04 (N.D.W. Va. 2007) (citing

² While Petitioner did not notify the Court of a change in address, the R&R notes that a review of Mr. Villar's underlying criminal docket reveals that jurisdiction over Petitioner's supervised release was transferred to the Middle District of Florida [Dkt. No. 17 at 6, n.3].

ORDER ADOPTING REPORT AND RECOMMENDATION [DKT. NO. 17]

Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983)). Courts will uphold portions of a recommendation to which no objection has been made unless they are clearly erroneous. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Because no party has objected, the Court is under no obligation to conduct a de novo review. Accordingly, the Court reviewed the R&R for clear error. This Court agrees with the R&R findings that Petitioner's Petition and requested relief are moot because Petitioner was already released from custody. Accordingly, upon careful review, and finding no clear error, the Court **ADOPTS** the R&R [Dkt. No. 17]. The § 2241 Petition [Dkt. No. 1] is **DISMISSED AS MOOT**. The Court further **ORDERS** that this matter be **STRICKEN** from the Court's active docket and **DIRECTS** the Clerk to enter judgment in favor of Respondent.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to the pro se Petitioner via certified mail, return receipt requested.

DATED: June 30, 2021

/s/ Thomas S. Kleeh
THOMAS S. KLEEH
UNITED STATES DISTRICT JUDGE